

Minutes of the City of Ashland Plan Commission

A meeting of the Plan Commission was called to order on **Tuesday, July 17th, 2018** at 6:30 p.m. in the City Hall Council Chambers.

PRESENT: Mayor Lewis, Mike Amman, Charmaine Swan, Ernie Bliss, John Beirl
EXCUSED: David Mettill, Katie Gellatly
STAFF: April Kroner, Megan McBride, Aidan Johan

MEETING AGENDA ORDER

1) Call to Order and Roll Call

Mayor Lewis called the meeting to order at 6:30pm.

2) Approval of Agenda

Motion to approve the Agenda by Ernie Bliss. Seconded by Charmaine Swan. Passed unanimously.

3) Consent Agenda

Motion to approve minutes from June 19th by Mike Amman. Seconded by Ernie Bliss. Passed unanimously.

4) Public Comment

No comments where received

5) Action Items

- a) Public Hearing and consideration of a Conditional Use Permit request to allow a fence that is eight (8) feet in height in Central Railyard Park/Purple Park, zoned Public Park (PP)., zoned Mixed Residential/Commercial (MRC).

Motion to go into Public Hearing by John Beirl. Seconded by Mayor Lewis. Passed unanimously.

Megan McBride detailed the Class 2 Public Hearing notice that was given, and went through the criteria of review used to inform staff's recommendation of approval.

Comments received prior to the meeting:

Zygmund Jablonski Jr, President and member of Triangle Holdings, LLC submitted the following comments: "For the record: Triangle Holdings, LLC a neighbor to the "Purple Park" hereby submits its opposition to the requested CUP for a fence to exceed the 6-foot limit. Our opposition is for many reasons.

- We believe that "porta Potty's" are in inappropriate in this setting.

- We believe that the exceeding the 6-foot height limitation will only embolden and allow drug other nefarious activity we frequently witness in this area.

- We believe it is wrong for the city of Ashland to request a CUP and variance for exceeding the height of a fence when the city itself refuses to allow its citizens the ability to exceed the height limit in appropriate applications.

As stated above the main reason to curb drug activity is paramount in protecting the citizens of Ashland especially the children who are most vulnerable.”

Comments During Meeting:

Jack Hoglund expressed his support for an identical fence around the porta potty at Beaser Park, and believes that there is a similar need for both the porta potty and fence at Central Railyard Park.

Megan McBride provided background of the proposed project.

Jack Hoglund expressed his support for an identical fence around the porta potty at Beaser Park, and believes that there is a similar need, for both the porta potty and fence, at Central Railyard Park.

Motion to go out of Public Hearing by Mayor Lewis. Seconded by Ernie Bliss. Passed unanimously.

Ernie Bliss suggested a need to reconsider fence height ordinances, allowing for 8ft fences instead of 6ft.

April Kroner stated that the planning department can look into changing the height requirement for the public parks, to avoid the need for future conditional use permits for this type of project.

Motion to approve by Ernie Bliss. Seconded by Mike Ammon. Passed unanimously.

b) Public Hearing and consideration of a Conditional Use Permit request to allow a duplex in the Single-Family Residential (R-1) zoning district at 508 16th Ave W, zoned Single-Family Residential (R-1).

Motion to go into Public Hearing by John Beirl. Seconded by Mayor Lewis. Passed unanimously.

Megan McBride detailed the Class 2 Public Hearing notice that was given, and went through the criteria of review used to inform staff’s recommendation of approval.

Comments Received Prior to the Meeting:

Matthew Remec called to state that he is very in favor of this proposed development. He said that Ashland needs growth, and this may be a small part of it. He urged that the City should do what they can to assist this development.

Caleb Anderson who lives directly across the street from the proposed duplex called to say that he is not in favor of a duplex in this location, and would prefer if the neighborhood remained single-family only.

Comments Received During the Meeting:

- Jack Hoglund expressed his reasoning for making the conversion from single family residents to a duplex....
- The footprint of the house will not change, only the interior;
- When purchased the property had unsafe wiring and needed to be redone regardless of the intended use; and while working on the project he received calls from renters asking if he had

any one-bedroom units. At the time he only he only rentals with two or more bedrooms, but could see the need for single apartments.

Brian Nabozny expressed his support for the duplex saying he believes...

- It will fill a community need for housing;
- The number of people living in the house will not be greater than if it were a single family home since they are one-bedroom apartments and therefore will likely be occupied by one to two people each; and
- Jack Hogle does good work and his other properties are beautiful so the Plan Commission can expect the same with this project as well.

John Beirl expressed concern that allowing a duplex in this location may set a precedent for other single family districts.

Staff response:

- With the new state statute we have limited ability to say no if the use is Conditionally allowed in the district;
- If it is a concern we can look at changing what uses are allowed in the future.
- However in the current Comprehensive Plan mixed density residential, is encouraged and this proposal conforms to the Comprehensive Plan.

John Manno expressed concern with allowing a duplex in the single family residential district...

- He supports Jack in renovating the property and is confident that it will be a high quality rental.
- John expressed concern that regardless of the quality of the rental it would be detrimental to disregard the single family zoning laid out in the Comprehensive Plan; and
- He foresees this disregard of the plan as being harmful to Ashland in the long term.

Brian Nabozny said he did not feel that there would not be a great impact to the neighborhood because the apartments are for single people, so there would be the same number of people living on the property regardless if it is a single family or duplex.

John Manno Expressed concern about...

- Allowing one exception to the comprehensive plan will result in a snowballing of exceptions
- The difference in type of tenants between that a duplex attracts as opposed to a single family home.

Jack Hogle responded to John Manno comments by explaining that...

- His target tenants are business people, who are quite and want to enjoy the amenities of the area such as the corridor and
- He hopes that the city would like to see, someone such as himself, fill a housing need in a quality way.

Staff Response to John Manno's concerns...

- In 2012 when the Comprehensive Plan was approved the City could deny Conditional Use Permits but due to state statute changes this is no longer the case.
- The City is looking into changing what conditional uses are allowed in order to ensure that parts of the City remain single family residential, but until the ordinance is updated there is little that the City can do to deny Conditional Use Permits.

Megan McBride provided background of the proposed project.

Motion to go out of Public Hearing by Mayor Lewis. Seconded by Ernie Bliss. Passed unanimously.

Charmaine Swan asked for clarification on WI State statutes on conditional use permits.

April Kroner clarified that under the updated state statute all conditions must be based in “fact” making it harder for a city to deny a use if it is allowed as a condition.

Motion to approve by John Beirl. Seconded by Charmaine Swan .

Mayor Lewis addressed John Manno’s concerns with the possibility of losing single family home, R1 zoning, and the risk it can pose if the conversion to a duplex is done poorly. These concerns are heard and understood however in this instance Jack Hoglund does good work and these pitfalls should be avoided. The concerns expressed by John Manno will be considered in future evaluations of the unified development ordinance

Ernie Bliss expressed concern about the state statute limiting conditional use permit making the Plan Commission’s job obsolete.

April Kroner expressed that in the case of the proposed duplex, no additional conditions are needed, however with a different development, and a different set of circumstances, plan commission may need to impose conditions, based on evidence and fact.

John Beirl expressed that a nuanced approach is required, when re-examining our development ordinances, in order to ensure that we do not accidentally stifle development in R1 districts by making them too restrictive.

Motion to call question by Ernie Bliss. Seconded by Mayor Lewis . Passed unanimously.

Motion passed unanimously.

- c) Public Hearing and consideration of a Conditional Use Permit request to allow a utility facility/solar garden at 2400 Farm Rd, zoned Planned Residential/Institutional (PRI).

Motion to go into Public Hearing by Mayor Lewis. Seconded by Mike Amman. Passed unanimously.

Megan McBride detailed the Class 2 Public Hearing notice that was given, and went through the criteria of review used to inform staff’s recommendation of approval.

Comments Received Prior to the Meeting:

Emery Mattson, who owns property on 3 sides of the proposed site for the solar garden, called to say that he has no objects to the solar garden being built in this location.

Comments Received during the Meeting:

Megan McBride provided background on the project and its compatibility with the comprehensive plan, and staff recommendations.

John Beirl, asked for clarification on whether the unified development ordinance specifies solar panels as a use.

April Kroner explained the nuances of the public residential institutional district (PRI); a utility facility is an allowed use. The solar panels fall under utility facility, much like how a sub-station would.

Motion to go out of Public Hearing by Mayor Lewis. Seconded by Charmain Swan. Passed unanimously.

Mike Amman expressed concern that trees along a neighbor's property line could block the solar panels.

Eric Udelhofen is confident that with the 50ft set back from the property line there should be no concern about trees blocking the panels.

April Kronor clarified that the cities ordinances prevents neighbors from shading solar panels on an adjacent property between the hours of 9am and 3pm.

Ernie Bliss expressed concerns about the ascetics of the solar facility.

Charmaine Swan expressed support for Ashland being a leader in sustainability through implementing the solar garden.

Mike Amman expressed interest in the direct economic benefit to Ashland, through jobs created during construction of the facility.

Eric Udelhofen explained that they will try to source as much of their materials locally as possible and will contact with local business for construction as possible.

Mike Amman asked if the solar garden could be expanded in the future.

Mike Bebeau explained that currently their program requires 3 megawatts of solar gardens in the State of Wisconsin. To expand they would need approval from the Public Service Commission. Right now the focus is on ensuring full subscription for the solar garden.

Mike Amman expressed interest in the current subscription of the solar garden.

Mike Bebeau assured the commission that the 70% subscriptions they already have is enough to start construction.

Mayor Lewis clarified for full disclosure that the city will be bringing forward a proposal to subscribe to the solar garden.

Motion to approve by Ernie Bliss. Seconded by Charmaine Swan . Passed unanimously.

d) Site Plan review of a utility facility/solar garden at 2400 Farm Rd, zoned Planned Residential/Institutional (PRI).

Megan McBride described in detail the sight plan and conditions of approval, and staff's recommendations for approval.

April Kroner clarified that Xcel will be working with the DNR on a storm water plan for the sight.

Eric Udelhofen clarified that the goal is to disturb as little vegetation as possible and minimize the amount impervious surface in order to make managing storm water easier.

John Beirl expressed interest in where the solar panels are made.

Eric Udelhofen clarified that they are working with the FDA which requires a Buy America Clause, with a list of approved manufacturers. The panels for this project are made by a South

Korean company; this company is opening a manufacturing plant in the United States if this plant opens in time, the panels may end up being manufactured in the US.

Megan McBride clarified that there will be a 8ft high security fence around the property.

Charmaine Swan expressed her support for the solar garden being seen through the fence and that it can serve as a symbol of Ashland being sustainable.

Charmaine Swan expressed concern on whether the access drive would inhibit school bus and other traffic.

April Kroner clarified the access drive will be used very infrequently and the city does not have the ability to regulate the connection, it falls to the State to approve or deny the access.

Mike Ammon expressed concern on the ascetics of the fence if it were to be topped with barbed wire.

Eric Udelhofen clarified that according to state electric code they must make the sight inaccessible but this does not necessarily mean that it needs barbed wire if the goal can be achieved in a different manner.

Motion to approve by John Beirl. Seconded by Mike Amman . Passed unanimously.

6) Discussion Items

- a) Discussion of potential UDO amendments pertaining to Permitted and Conditional Uses and CUP approval criteria

Item tabled until a future meeting.

7) Announcements / reports / comments / questions

April Kroner clarified that in order for a mix in uses such as duplexes in a R1 zone, a request to rezone to a "Traditional Neighborhood district" would be required. The comprehensive plan encourages allowing mixed uses in some but not all areas.

We may need to look into changing the R1 district to no longer allow for duplexes, and may need to be re-evaluated with the current state statute in mind.

Charmaine Swan expressed there is a need in Ashland for nice housing in order to keep professionals in the City rather than looking for housing in Washburn.

Mayor Lewis expressed concern that if not done with care rentals can become incompatible with the surrounding neighborhood.

April Kroner clarified that the City's goal is to provide diverse housing options.

John Beirl expressed concern that barring duplexes' could become too restrictive.

Charmaine Swan expressed that her concern with the state of current rentals is greater than the concern of whether or not one can build a duplex. She also asked for a status update on the New Day Shelter.

April Kroner said she is unsure of whether they are seeking more money, but they will need to bring it into compliance with their site plan.

Charmaine Swan asked about other sites that are not in compliance.

April Kroner explained that Aidan Johan is working on ensuring compliance with Conditional Use Permits.

Charmaine Swan inquired about welcome to Ashland signs to be installed.

April Kroner clarified that they are good grant projects, but the department does not currently have the funds or staff time to pursue these projects.

Charmaine Swan asked for a progress update for adding bike lanes to Beaser Ave.

Aidan Johan provided an update that the city has received a cost estimate and he has an upcoming meeting with the engineer to go over details of the project.

April Kroner clarified that the cost for this project is around \$140,000, so it will need to be fit into the 5 year plan and Public Works budget.

John Beirl asked for updates on the 6th Street paving project, the proposed sand pit and city staffing.

Mayor Lewis explained that the 6th street project is nearing completion with road base laid down.

April Kroner provided clarification on the sand pit. The applicant has not yet completed their application, and plan on scaling the project back. Once the full application is received it will go to public hearing and through the normal Conditional Use Permit process.

Mayor Lewis addressed staffing...

- A new city administrator has been hired and will be starting the end of August;
- The vacancy in the Public Works Director position is currently being filled by Jim Struck until a new administrator is onboard before hiring a new permanent position
- The Utility Manager position has good applicants and we are hoping to hire someone by the end of the month
- Our HR director is retiring and is being filled on an interim bases
- The Building inspector position is currently being contracted out to Steve Schraufnagel.

April Kroner explained that staff is handling some inspections in department but Steve is able to handle all other inspections, as both a Commercial and Residential inspector. The position is in flux as we evaluate future needs and priorities.

8) Adjournment

Motion to adjourn by Ernie Bliss. Seconded by Mike Ammon. Passed unanimously.

The meeting was adjourned at 8:15p.m. Minutes by Aidan Johan.